

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

EAD

Mailed: August 5, 2003

Opposition No. 91153479

Opposition No. 91153680

AMERICAN FLANGE &
MANUFACTURING CO., INC

v.

RIEKE CORPORATION

Elizabeth A. Dunn, Attorney:

On June 4, 2003, the parties filed a stipulation to consolidate Opposition Nos. 91153479 and 91153680 on the ground that the two proceedings involve related marks for configurations of closures for steel drums.

The Board has reviewed the two above identified opposition proceedings and believes that in the interest of judicial economy Opposition Nos. 91153479 and 91153680 should be consolidated because the parties are the same, and the two proceedings involve common issues of law and fact. See Fed. R. Civ. P. 42(a) and TBMP §511.¹ Accordingly, the parties' stipulation to consolidate is approved; Opposition

Nos. 91153479 and 91153680 are consolidated, and may be presented on the same record and briefs.²

Embodied in the parties' stipulation to consolidate was a further stipulation to reset discovery and trial dates in Opposition No. 91153479 so that the Board's scheduling order for Opposition No. 91153680 would apply to the consolidated proceeding. The stipulation to reset dates is approved, and the Board's scheduling order for Opposition No. 91153680 (issued January 24, 2003) applies to this consolidated proceeding.

The stipulated protective agreement filed on June 19, 2003 is noted. The parties are referred, as appropriate, to TBMP §§ 416.05 (Signature of Protective Order), 416.06 (Filing Confidential Materials With Board), 416.07 (Handling of Confidential Materials by Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing paragraphs (d) and (e) of 37 CFR § 2.27, which provide, in essence, that the file of a published application or issued registration, and all

¹ The Trademark Trial and Appeal Board Manual of Procedure (TBMP) is available on the World Wide Web at <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/>.

² The Board file will be maintained in Opposition No. 91153479 as the "parent" case, but all papers filed herein must include the proceeding numbers of both cases in ascending order.

proceedings relating thereto, should otherwise be available
for public inspection.

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